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PATRICIA MOREIRA and KAREN CURRIE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARTHA BERNDT, MARTA HASTINGS,)	NO. C03-3174 TEH (EDL)
JUDY LONGO, LINDA SCOTT, SOPHIA)	
CURRY, SHELLY ADCOCK, PATRICIA)	STIPULATION AND ORDER
MOREIRA and KAREN CURRIE,)	ENLARGING TIME FOR
INDIVIDUALLY AND ON BEHALF OF)	FILING OF FOURTH
ALL PERSONS SIMILARLY SITUATED)	<u>AMENDED COMPLAINT</u>
)	
Plaintiffs,)	
v.)	
)	
CALIFORNIA DEPARTMENT OF)	
CORRECTIONS, TERESA SCHWARTZ,)	
JOSEPH McGRATH, DAVID SKERIK,)	
MARIO ORTIZ, and DWIGHT WINSLOW,)	
in their individual capacities,)	
)	
Defendants.)	
)	

The parties, by and through their respective counsel, hereby stipulate and agree that the time for filing of the Fourth Amended Complaint in this action may be enlarged from June 20, 2005 to July 5, 2005.

Good cause exists for this Stipulation in that counsel for Plaintiffs and Defendants have engaged in good faith efforts to resolve their disputes, and require more time to complete the process. Counsel will be unable to complete the meet and confer process and finalize the Fourth Amended Complaint before June 20, 2005, despite their diligent efforts. Plaintiffs' counsel is presently in trial in Sacramento, California, in the United States District Court for the Eastern District of California before the Honorable Judge Morrison C. England in the case of *Stevenson v. County of Sacramento*, U.S.D.C. Case No. CIV.S-03-0201 MCE. The trial in that case commenced on Wednesday, May 25, 2005, and is expected to continue until June 24, 2005, and possibly beyond. Plaintiffs' lead counsel has not been available to meet and confer on trial days (Wednesday, Thursday and Friday). On April 22, 2005, Defendants' lead counsel filed a Notice of Unavailability for the dates June 10, 2005 through June 27, 2005. Defendants' counsel has been unavailable to meet and confer regarding the most recent revisions of the Fourth Amended Complaint, and will be unable to do so until after June 27, 2005.

Counsel for the parties have been attempting in good faith to resolve the disputes in drafting the Fourth Amended Complaint, engaging in the meet and confer process established in this Court's Order of May 6, 2005. Plaintiffs submitted a timely draft to Defendants on May 25, 2005. Counsel from both parties began to meet and confer prior to June 1, 2005, and engaged in meaningful dialogue about the draft on June 3, 2005. Plaintiffs then submitted a second revised draft, per agreement, on June 9, 2005. Counsel for the parties met and conferred further on June 14, 2005, and stipulated to an

order enlarging time.

With the additional time, Plaintiffs' counsel will research cases that Defendants' attorneys provided in support of their request that Plaintiffs omit the Section 1983 equal protection and First Amendment causes of action against individual defendants. After assessing Defendants' position, Plaintiffs intend to submit another draft to Defendants for their comment and review, before finalizing the Complaint for the Court. The parties respectfully request the Court grant the order enlarging time to file the Fourth Amended Complaint, to ensure the parties the opportunity to fully engage the meet and confer process established by this Court in its previous Order.

Dated: June 15, 2005

PRICE AND ASSOCIATES

/s/ Pamela Y. Price

PAMELA Y. PRICE, Attorneys for Plaintiffs
MARTHA BERNDT, MARTA HASTINGS,
JUDY LONGO, LINDA SCOTT,
SOPHIA CURRY, SHELLY ADCOCK,
PATRICIA MOREIRA and KAREN CURRIE

Dated: June 15, 2005

BILL LOCKYER, Attorney General

/s/ Kathryn Allen

LYN HARLAN, KATHRYN ALLEN, Deputy
Attorneys General, Attorneys for Defendants
CALIFORNIA DEPARTMENT OF
CORRECTIONS, TERESA SCHWARTZ,
JOSEPH McGRATH, DAVID SKERIK,
MARIO ORTIZ, and DWIGHT WINSLOW

ORDER ENLARGING TIME

Pursuant to the foregoing Stipulation of the parties, and good cause appearing therefore, **IT IS HEREBY ORDERED** that the time for filing of the Fourth Amended Complaint in this action shall be enlarged from June 20, 2005 to July 5, 2005.

Dated: _____

6/15/05



SENIOR JUDGE THELTON E. HENDERSON
UNITED STATES DISTRICT COURT